

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, September 21, 2005, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, September 7 and 14, 2005 Worksessions.

Action: Approved as amended, (LLM/WMH, 5-0).

2. **CBA-1174 [S-2503], Petition of The Holton-Arms School, Inc.** (private educational institution). Letter to the Board from Diane Coulton Beebe, Head of School, submitting the annual report

Action: Re-opened the record to include the Ms. Beebe's letter and the annual report, (DLB/WMH, 5-0).

3. **CBA-1206-F [CBA-1206-1206-E], Petition of Congressional Country Club, Inc.** (country club). Letter to Board from Michael H. Ballard, Senior Engineer, requesting an administrative modification. (Large exhibits: cover sheet and 18th hole renovation).

Action: (1) Granted administrative modification; (2) special exception use to comply with site disturbance and environmental requirements, (AMC/LLM, 5-0).

4. **CBA-1510, Petition of Sixty-Nine Hundred Wisconsin Incorporated, N.V.** (off-street parking). Inspection by Stanley N. Garber, Investigator, Department of Permitting Services (DPS), reports that the NOV's have been abated on the special exception site.

Action: (1) Re-opened the record to include Mr. Garber's inspection report; (2) rescind Show Cause Hearing, (DLB/LLM, 5-0).

5. **CBA-2814 [CBA-2814-A], Petition of Center Group, LLC** (automobile storage lot). Letter to the Board from Soo Lee-Cho, Esquire, submitting a revised site plan. (Large exhibit: revised site plan).

Action: Re-opened record to include Ms. Lee-Cho's letter with a revised site plan, (LLM/DLB, 5-0).

6. **CBA-2077 [CBA-2077-A], Petition of Amoco Oil Company** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/LLM, 4-0/AIF/recused).

7. **S-538-C [S-538-538-B], Petition of Aspen Hill Racquet Club** (private clubs and service organizations). Letter to the Board from Danielle Bouchard, General Manager, submitting the annual report.

Action: Re-opened the record to include Ms. Bouchard's letter with the annual report, (LLM/WMH, 5-0).

8. **S-703 [S-703-A], Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Joseph E. Montoya, Owner/Operator, requesting an administrative modification.

Action: Granted administrative modification, (WMH/AMC, 4-0/AIF/recused).

9. **S-1046, Petition of Kathryn L. Hoyer** (accessory apartment). Memorandum from Unray Peters, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

10. **S-1074, Petition of Emile Rutner** (accessory apartment). Memorandum from Lynn McCreary, Housing Code Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked special exception as abandoned, (AMC/WMH, 5-0).

11. **S-1199, Petition of Alan J. Avera** (accessory apartment). Letter from **Jose A. Amaya** requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (AMC/WMH, 5-0).

12. **S-1864, Petition of Chesapeake and Potomac Telephone Company** (public utility structures, public utility buildings, telecommunication facilities). Memorandum from Stanley N. Garber, Investigator, DPS, notifying the Board that the special exception was never implemented and requesting that it be revoked. Also included is a letter of confirmation from the special exception holder.

Action: Revoked special exception for failure to implement, (AMC/WMH, 4-0/AIF/recused).

13. **S-2234, Petition of Jan Lababidi** (accessory apartment). Memorandum to the Board from Unray Peters, Housing Code Inspector, DHCA, notifying that Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked special exception as abandoned, (LLM/DLB, 5-0).

14. **S-2263, Petition of Spring Valley Stables, Inc.** (commercial riding stable). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: (1) Revoked special exception as abandoned; (2) resolution to reflect that the special exception use can not be resumed, (LLM/DLB, 5-0)

15. **S-2460, Petition of Victory Housing, Inc.** (assisted living facility). Letter to the Board from Casey L. Moore requesting a transfer of the special exception and a clerical correction to the Resolution dated 6/22/05.

Action: (1) Granted transfer of the special exception; (2) resolution to reflected correct size of planter per the letter from Ms. Moore, (AMC/WMH, 4-0/AIF/recused).

16. **S-2504, Petition of Sunrise Bethesda SL, LLC** (housing and related facilities for the elderly). Letter from Timothy Dugan, Esquire, to the Board requesting an administrative modification.

Action: Granted administrative modification, (LLM/AMC, 4-0/AIF/recused).

17. **S-2596, Petition of Washington Gas** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian and Dian Belanger withdrawing their earlier concerns regarding the construction on the special exception site. [W/S 7-13-05].

Action: Re-opened the record to include the letter from Mr. and Mrs. Belanger, (LLM/WMH, 4-0/AIF/recused).

18. **S-2636, Petition of Fall Creek, LLC** (landscape contractor). Letter from Anne C. Martin, Esquire, submitting a revised special exception site plan and a final lighting plan as requested in Board's Opinion dated 8/3/05.

Action: Re-opened the record to include Ms. Martin's letter and the revised special exception site plan and final lighting plan, (LLM/AMC, 5-0).

DECISION ITEMS:

19. **S-2604, Petition of Mary Rhim (The Winchester School)** (private educational institution). Hearing Examiner's Report and Recommendation. Also included are letters requesting Oral Argument from James Emmett Black and Glenda Ann Crump.

Action: (1) Denied requests for Oral Argument; (2) special exception denied for lack of a super majority, (Grant, 3-2; Deny, 2-3).

PENDING ITEMS:

21. **CBA-123 [S-462, S-1353], Petition of Sondra J. Littlejohn** (home occupation). Inspection report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS). Re-opened the record to include Mr. Garber's memorandum. [W/S 10-20-04].

PENDING ITEMS continued:

22. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

23. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5-4-05].

24. **CBA-3057, Petition Chevron USA** (automobile filling station). Letter to the Board from John Hutchinson requesting a transfer of the special exception. Deferred request until the Show Cause Hearing. [W/S 9-29-04].

25. **S-289-B, Petition Little Falls Swim and Tennis Club** (community swimming pool). Supplemental Hearing Examiner's Report and Recommendation. Also included is an Inspection Report from Tom Ogle, Noise Program Manager, Department of Environmental Protection (DEP). (1) Re-opened the record to include the Hearing Examiner's Supplemental Report and Mr. Ogle's Inspection Report; (2) granted extension of time until 10/8/05 for lighting and photometric plans. [W/S 9/14/05].

26. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. W/S 2-18-04].

27. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7-13-05].

28. **S-727, Petition of Robert M. Mueller, D.V.M.** (non-resident professional office). Inspection report from Stanley N. Garber, Investigator, DPS. (1) Re-opened the record to include Mr. Garber's inspection report; (2) special exception holder has 40 days to comply with special exception conditions; (3) item will return to the Board's to Worksession agenda after compliance period (1/5/05). [W/S 11-10-04].

29. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Granted extension to resolve Notice of Violation until 4/1/05. [W/S 1/5/05].

30. **S-1835, Petition of Patricia Haseman and Richard Mason** (private riding stable). Letter from Christine Reilly Lombardo notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for future Worksession for staff to contact Mr. Lombardo. [W/S 7/27/05].

PENDING ITEMS continued:

31. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan. [W/S 11/12/03].
32. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].
33. **S-2195, Petition of S. Ronald Furman t/a The Framer's Vise** (antique shop). Letter from the petitioner notifying the Board that the property has been sold and that new owner is not interested in retaining the special exception. Item deferred for future Worksession. [W/S 5-4-05].
34. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letter to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan and as-built site plan). Item deferred for additional information from the petitioner. [W/S 4-20-05].
35. **S-2524, Petition of Two Goshen Oaks Center, LLC and Seven-Eleven, Inc.** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Deferred for DPS review of the record. [W/S 9-22-04].
36. **S-2580, Petition of Margaret Walker-Bruce** (accessory apartment). Letter to the Board from the petitioner modifying the floor plan of the accessory apartment. Referred new plans for DHCA review. [W/S 10-20-04].

Board Members

Allison Ishihara Fultz, Chair
 Donna L. Barron, Vice Chair
 Louise L. Mayer
 Angelo M. Caputo
 Wendell M. Holloway

Staff

Barbara Jay, Associate County Attorney
 Katherine Freeman, Executive Director
 Hermene Jones, Administrative Specialist

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WORKSESSION ADDENDUM MINUTES

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1. S-2604, Petition of Mary Rhim (The Winchester School) (private educational institution). Letter to the Board from Jody S. Kline, Esquire, requesting Oral Argument.

Action: (1) Denied requests for Oral Argument; (2) special exception denied for lack of a super majority, (Grant, 3-2; Deny, 2-3).

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